

Chapter 126

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¹ **Cross references:** Any ordinance for the water, sewer and electric rates, rules and regulations and sewer and water main construction saved from repeal, § 1-10(14); administration, ch. 2; buildings and building regulations, ch. 18; electrical code, § 18-81 et seq.; plumbing code, § 18-111 et seq.; businesses, ch. 22; flood area zoning, ch. 54; health and sanitation, ch. 58; historic preservation, ch. 62; planning, ch. 94; solid waste, ch. 102; streets, sidewalks and other public places, ch. 106; public works, § 106-231 et seq.; subdivisions, ch. 110; telecommunications, ch. 118; cable television franchising regulations, § 118-31 et seq.; manufactured homes and trailers, § 130-1241.

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ARTICLE I. IN GENERAL

Sec. 126-1. Rates, rules and regulations generally.

The rates, rules and regulations of the utility shall be those on file and approved by the state public service commission.

(Code 1986, § 13.02)

Sec. 126-2. Supervision and control of water and electric utilities.

The city council shall have charge and management of the water and electric utilities, as provided by Wis. Stats. § 66.068(1) and (7). The operations shall be managed by a municipal services director hereby referred to as “director”. The director may assign staff to conduct inspections, provide approvals or denials, and investigate concerns as permitted under this chapter.

(Code 1986, § 13.01, Ord 2020-02)

Sec. 126-3. Water and electric connections.

(a) No water main shall be tapped without a written permit from the superintendent of municipal services and under the supervision and control of the superintendent of municipal services.

(b) Any person desiring a water or light connection shall file with the superintendent of municipal services a written application upon blanks furnished by the superintendent of municipal services, and no connection shall be made without a written permit.

(Code 1986, § 13.03, Ord. 2014-02)

Sec. 126-4. Abandonment of Water Service Lines.

It shall be the responsibility of the owner of water service line to terminate such service line at the City main when said service line is to be abandoned from use. Service lines are determined to be abandoned from use at the discretion of the City to include, but not limited to:

- (a) When application is made to the City to demolish the structure that is served by the service line.
- (b) When new or replacement services are installed.
- (c) When changes in platting or zoning of existing lots where services have been previously installed but will not be used.

The owner shall incur all expenses to properly disconnect the service line at the corporation stop on the City main. Such work shall be inspected and approved by the City during normal business hours prior to the commencement of backfilling procedures. If the proper termination is not completed in a reasonable amount of time as determined by the director, the City shall have the authority to complete the proper termination at the expense of the owner.

Any deviations to this ordinance for special circumstances may be considered by the director and only approved under written agreement between the City and owner.

(Code 1986, § 13.04, Ord 2020-02)

Sec. 126-5. System Tampering.

No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixtures, attachment or appurtenance of the water works of said City, or any public or private hydrant or water trough, or stopcock, meter, water supply or service pipe, or any part thereof; nor shall any person deposit anything in any stopcock, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without the permission of the City or except in cases regulated by Ordinance.

(Code 1986, § 13.08, Ord. 2014-02, Ord 2020-02)

Sec 126-6. Meter Tampering.

(a) Whoever, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water by doing any of the following:

- (1) Connect or cause to be connected by wire or any other device with the wire, cables or conductors of any such vendor.
- (2) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits, or connect with the meters, pipes or conduits by pipes, conduits or other instruments.
- (3) Knowingly take, receive, use or convert to such person's own use, or the use of another, any electricity, water, or gas which has not been measured or authorized.
- (4) Cut, remove or in any manner make ineffective any seal, locking band or lock on an electric or water meter.
- (5) Provide electricity, gas or water to another dwelling, via any means, which is without electricity, gas or water. Upon discovery of such instance, the dwelling providing electricity, gas or water may be disconnected immediately by the utility company.

(b) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any persons furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

(c) Any person violating this section may be subject to a forfeiture of not less than \$200. Each day that a violation continues is a separate violation.as provided in Sec 111 in the code of ordinances.

(d) Any person violating this section will be required to make full restitution to the utility company for the cost of services obtained in violation of the ordinance, and the cost of any damage to the equipment of a utility company as a result of the violation.

Sec 126-7. Meter Placement.

No meter shall be obstructed from maintenance or replacement. If a property owner, or their tenant, constructs or creates a restriction denying easy access to the meter, the City may remove said restrictions or relocate the meter at the property owners cost. When not an emergency, the City may elect to work with the property owner on a time table that is deemed reasonable by the City to relocate the meter or remove said obstructions.

Sec. 126-8. Entry power; changing meters.

(a) The municipal services director or other officer or employee of the City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine water pipes and fixtures, and the manner in which water is used.

(b) The City reserves the right to set or remove a meter or change its location whenever it is deemed advisable to do so.

Sec. 126-9. Liability of City.

The City shall not be responsible for accidents resulting from variation in the water pressure, or the ram of the water from the mains, or from collapse from any cause whatsoever.

Sec. 126-10. Contractual nature of application; penalty for breaking.

(a) The provisions of all Ordinances relating to utility service shall be construed as a part of the contract with every person who is supplied with utility service, and every person so taking such service shall be construed by his/her so taking to be bound by them as a part of his/her contract with the City.

(b) Whenever any violation of such Ordinances occur, the water shall be cut off by the City to the facility where such violation occurs although two (2) or more persons are supplied thereby, and shall not be turned on again except by the order of the municipal services director and the payment of the expense of turning off and turning on, and such other terms as provided for by Ordinance, and after satisfactory understanding with the owner that no further violation shall occur.

Sec 126-11. Hydrants.

Hydrants erected in the City for the purpose of fire protection are hereby declared to be public hydrants and no person, other than the members of the fire district and then only for the use and

purpose of said district, or person authorized by the City to provide maintenance to the water utility shall open any of the said hydrants, or attempt to draw water from the same, or at any time uncover or remove any protection from any of the hydrants in said City or in any manner interfere with any of said hydrants. The municipal services director may provide a metered use of water from a hydrant when it does not compromise fire protection and cannot be provided at another location.

Sec. 126-12. Collection of delinquent utility bills.

The provisions of Wis. Stats. § 66.0809(3) shall apply to the collection of delinquent service charges of the municipal services department as provided in the rules and regulations of the utility filed with the state public service commission.

(Code 1986, § 13.08, Ord. 2014-02, Ord. 2020-02)

Secs. 126-13--126-30. Reserved.

ARTICLE II.

Article II deleted and rewritten as Article V. (Ord. 2009-08)

Secs. 126-31--126-180. Reserved.

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 126-181. Connection to public system.

(a) *Notice to connect.* Whenever water becomes available to any public, commercial, mercantile or business building or building used for human habitation, the superintendent of municipal services shall notify in writing the owner, agent or occupant thereof, to connect thereto all facilities required by the superintendent of municipal services. If such person to whom notice has been given shall fail to comply for more than ten days after the notice, the superintendent of municipal services shall cause the necessary connection to be made, and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. §§ 281.43 and 281.45.

(b) *Deferred payment.* The owner or his agent or the occupant may within 30 days after completion of the work file a written option with the clerk-treasurer electing to pay the amount of the assessment in five equal installments with interest on the unpaid balance at eight percent per year.

(Code 1986, § 11.02(1), (2), Ord. 2014-02)

Sec. 126-182. Extension of service outside city.

(a) In order to provide adequate fire protection for persons and property within the city and to ensure protecting the public health and safety of the residents of the city without placing an undue financial burden upon the city taxpayers and to effectively coordinate water department operations with other municipal public works activities and for the purpose of conserving the available water supply, it is determined that it is necessary to limit the territory in unincorporated areas which the municipal water utility holds itself out to serve.

(b) Although the city has provided water service in a limited area outside the city limits, there has been no formal delineation of the boundaries of the territory which the city has undertaken to serve. Based upon a survey of the outside area now served, the city acts, pursuant to Wis. Stats. § 66.069(2)(c), to restrict its holding out to provide water service in unincorporated areas to the territory as established by the council from time to time.

(Code 1986, § 13.05)

Sec. 126-183. Fluoridation.

The water utility shall introduce approximately one part of fluoride to every million parts of water being distributed in the water supply system of the city.

(Code 1986, § 11.05)

Sec. 126-184. Definitions.

For purposes of section 126-184 through 126-190, the following terms shall have the following meanings:

- A. "Capital costs" has the meaning defined in Wis. Stats. § 66.0617(1)(a).
- B. "Developer" has the meaning defined in Wis. Stats. § 66.0617(1)(b).
- C. "Impact fees" has the meaning defined in Wis. Stats. § 66.0617(1)(c).
- D. "Land development" has the meaning defined in Wis. Stats. § 66.0617(1)(d).
- E. "Public facilities" means facilities for pumping, storing and distributing water, as discussed in Wis. Stats. § 66.0617(1)(f).
- F. "Service area" means a geographic area delineated by the council within which the City provides public facilities.
- G. "City" means the City of Evansville.

(Ord. 2005-4)

Sec. 126-185. Impact Fee Revenue Administration.

- A. Revenues from impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other city general and utility funds. Impact fee revenues and interest earned thereon may be expended only as provided in section 126-186.

- B. Impact fee revenues imposed and collected but not used within a reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded on a prorated proportional basis, as determined by the council, to the current record owner or owners of the property with respect to which the impact fees were imposed. Reasonable time periods for expenditure of impact fee revenues shall be as follows: water facilities, 20 years.

(Ord. 2005-4)

Sec. 126-186. Use of Impact Fees.

Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project, to reimburse the city for advances of other funds or reserves, and such other purposes consistent with Wis. Stats. § 66.0617 that are approved by the municipal services committee.

(Ord. 2005-4, Ord. 2014-02)

Sec. 126-187. Amount and Payment of Impact Fees.

The council shall by resolution establish, and may from time to time amend, the amount of the impact fee, which shall be set forth in appendix A. The municipal services committee shall periodically review the impact fee adopted by the council and make recommendations for amendments to the fee the municipal services committee deems appropriate. All required impact fees shall be paid in full prior to issuance of a building permit for land development. Impact fee payments shall be assumed to be the responsibility of the developer at the time a building permit is issued.

(Ord. 2005-4, Ord. 2014-02)

Sec. 126-188. Exemption or Reduction for Low-Cost Housing.

The council may grant an exemption from or reduction in the amount of the impact fee on land development that provides low-cost housing provided, however, that no amount of an impact fee for which an exemption or reduction is provided under this section may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the city.

(Ord. 2005-4)

Sec. 126-189. Appeals.

The payment of an impact fee imposed under this section may be contested as to the amount, collection or use of the impact fee to the municipal services committee, provided that the applicant files a written notice of appeal in the clerk-treasurer's office within thirty (30) days of payment of the impact fee. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address (if available) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The city finance director shall schedule the appeal for consideration by the municipal services committee at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least ten (10) days before the date of such meeting. Upon review of such appeal, the municipal services committee may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

(Ord. 2005-4, Ord. 2014-02)

Sec. 126-190. Refund of Fees Paid.

Any funds not expended or encumbered by the reasonable period of time as outlined in section 126-186 shall be refunded to the current owner of the property for which the impact fee was paid.

(Ord. 2005-4)

Secs. 126-191--126-200. Reserved.

DIVISION 2. PRIVATE WELLS

Sec. 126-201. Purpose of division.

The purposes of this division is to prevent unused, improperly constructed or defective wells from serving as a passage for contaminated surface waters or near-surface waters or other materials to reach the usable groundwater.

(Code 1986, § 13.07(1))

Sec. 126-202. Standards for use; inspections; permit for installation of new wells.

(a) No private well may be used in the city unless it meets these standards:

- (1) The well and pump installation meet the requirements of Wis. Admin. Code ch. NR 812, and a well constructor's report is on file with the state department of natural resources, or certification of the acceptability of the well has been granted by the private water supply section of the department of natural resources.

- (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
- (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
- (4) No physical connection shall exist between the piping of the public water system and the private well.

(b) The director of municipal services shall determine the location of each private well in the city and shall inspect such wells for compliance with this division. No new private well shall be constructed in the city without a permit therefor issued by the municipal services superintendent.

(Code 1986, § 13.07(3), Ord. 2014-02)

Sec. 126-203. Filling of abandoned wells required.

All abandoned or defective private wells located on any premises which is served by the public water system of the city shall be properly filled within the time required by order of the municipal services superintendent.

(Code 1986, § 13.07(2), Ord. 2014-02)

Sec. 126-204. Standards for filling abandoned wells.

Wells to be abandoned shall be filled according to the procedures outlined in Wis. Admin. Code ch. NR 812. The pump and piping shall be removed and the well checked for obstructions prior to plugging. Any obstruction or liner shall be removed.

(Code 1986, § 13.07(4))

Sec. 126-205. Report of abandonment.

A well abandonment report shall be submitted by the well owner to the state department of natural resources on forms provided by that agency. The report shall be submitted immediately upon completion of the filling of the well. The filling shall be inspected by the municipal services superintendent.

(Code 1986, § 13.07(5), Ord. 2014-02)

Secs. 126-206--126-220. Reserved.

DIVISION 3. CROSS CONNECTIONS

Sec. 126-221. Purpose of division.

The provisions of Wis. Admin. Code § NR 810.15 and Wis. Admin. Code § SPS 382.41 require protection of the public water system from contaminants due to backflow of contaminants

through the water service connection, and the state department of natural resources and department of health and family services require the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of all potable water systems. Therefore, this division is created to prevent such contamination.

(Code 1986, § 13.06(1), Ord. 2012-04)

Sec. 126-222. Definitions.²

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system, and the other water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(Code 1986, § 13.06(2))

Sec. 126-223. Cross connections prohibited.

No person shall establish or permit to be established or maintain or permit to be maintained any unprotected cross connection. Cross connections shall be protected as required in Wis. Admin. Code § SPS 382.41.

(Code 1986, § 13.06(3), Ord. 2012-04)

Sec. 126-224. Inspections.

(a) The municipal services superintendent shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system are possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the utility as required in Wis. Admin. Code § SPS 382.41.

(b) Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to property served by a connection to the public water system for the purpose of inspecting the property for unprotected cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Sec. 126-225. If entry is refused, a special inspection warrant may be obtained under Wisconsin Statutes, Section 66.0119.

(c) As an alternative, the water utility may allow the owner of the property to have the property inspected for unprotected cross connections, at their own expense, by a license plumber or certified cross connection inspector/surveyor.

² **Cross references:** Definitions generally, § 1-2.

(d) Any unprotected cross connection identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Sec. 126-225.

(Code 1986, § 13.06(4), Ord. 2012-04, Ord. 2014-02)

Sec. 126-225. Authority to discontinue water service.

The water utility may discontinue water service to any property wherein any connection in violation of this division exists, and may take such other precautionary measures necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided in section 126-226. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(Code 1986, § 13.06(5), Ord. 2012-04)

Sec. 126-226. Emergency discontinuance of water service.

If it is determined by the water utility that an unprotected cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the city clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68 within ten days of such emergency discontinuance. Water service shall not be restored until the unprotected cross connection has been eliminated.

(Code 1986, § 13.06(6), Ord. 2012-04)

Sec. 126-227. Applicability of state plumbing code.

The state plumbing code, Wis. Admin. Code § SPS 381-387, is adopted by reference as a part of this division.

(Code 1986, § 13.06(7), Ord. 2012-04)

Sec. 126-228. Division supplemental to state and city plumbing codes.

This division does not supersede the state and city plumbing codes, but is supplementary to them.

(Code 1986, § 13.06(8))

ARTICLE IV. STORMWATER

Sec. 126-250. Findings.

- A. The management of stormwater and other surface water discharges within the City of Evansville is a matter that affects the health, safety and welfare of the City, its citizens and businesses.
- B. Failure to effectively manage stormwater affects the erosion of lands, damages to homes and businesses, sedimentation and environmental damages to properties, infiltration/inflow to the sanitary sewer and other environmental damages within the City.
- C. In order to protect the health, safety and welfare of the public and to ensure regulatory compliance, the City operates and maintains a system for the collection, conveyance, storage, treatment and disposal of stormwater within the City of Evansville.

[Ordinance 2008-12].

Sec. 126-251. Establishment of Stormwater Management Utility.

- (a) The City hereby establishes a Stormwater Management Utility. The operation of the utility shall be under the supervision of the Common Council. The superintendent of municipal services will be in charge of the utility.
- (b) The City is acting under the authority of Chapters 62 and 66 of the Wisconsin Statutes.
- (c) The City is exercising its authority to establish a City of Evansville Stormwater Management Utility and to set rates to support these services.
- (d) The costs of operating and maintaining the Stormwater Management Utility shall be allocated in direct relationship to the contributions and demands for stormwater management services. An annual budget shall be prepared for operation, maintenance, debt service and other costs related to the operation of the Stormwater Management Utility.
- (e) Stormwater management facilities may include surface and underground drainage facilities, storm sewer, water courses, retaining walls and stormwater ponds and other such facilities which support a Stormwater Management Utility.

[Ordinance 2008-12, Ord. 2014-02].

Sec. 126-252. Definitions.

The following terms have the meanings set forth:

- A. Director. The term Director means the superintendent of municipal services or his designee.
- B. Equivalent Runoff Unit or ERU. The unit by which a stormwater utility charge is calculated. The term ERU represents the estimated average horizontal impervious area of “single family homes” within the City of Evansville on the date of adoption of this ordinance. The horizontal impervious area includes, but is not limited to, all

areas covered by structures, roof extension, patios, porches, driveways and sidewalks. One ERU is established as 3000 square feet.

- C. Impervious Area or Impervious Surface. A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or compacted gravel, as well as streets, roofs, sidewalks, parking lots, driveways, compacted gravel driveways and other similar surfaces.
- D. Dwelling, Multiple family. A building or portion thereof designed for or occupied by three or more families or households.
- E. Dwelling, Single family. A detached building designed for or occupied exclusively by one family or household.
- F. Dwelling, Two family. A building containing two dwelling units that are either vertically stacked one above the other or side by side, with a separate entrance to each unit and with yards on all sides of the dwelling.
- G. Dwelling, Two family twin. A dwelling designed for or occupied exclusively by one family or household which is attached on one side to another dwelling of the same nature with a common side wall, each of which is located on an individual lot.
- H. Dwelling Unit. One or more rooms that are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.
- I. Non-residential Property. Any developed lot or parcel other than residential property as defined herein, including, but not limited to, transient rentals (such as hotels and motels), mobile home parks, commercial, industrial, institutional, governmental property and parking lots.
- J. Residential Property. Any lot or parcel developed exclusively for residential purposes including single family homes, duplex units, multifamily units, but not including transient rentals (such as hotels and motels) and mobile-home parks.
- K. Stormwater System. Any natural or manmade stormwater conveyance facility operated or maintained by the City including, but not limited to retention/detention ponds, ditches, storm sewer, roads and navigable and non-navigable waterways.
- L. Developed Property. Property which has been altered from its natural state by the addition of any improvements, such as a building, structure, impervious surface, change of grade or landscaping.
- M. Undeveloped Property. Property which is not defined as developed property.

[Ordinance 2008-12, Ord. 2014-02, 2019-01].

Sec 126-253. User Fees and Rates.

- (a) User Fee. The City shall require that adequate revenues are generated through user fees to provide for a balanced operating budget. The City hereby authorizes the imposition of user fees on all developed property in the City.

- (b) Rates. The City will establish rates for each fiscal year. All rates established by the City will be fair and reasonable and calculated to achieve a balanced operating budget for the system. Current rates will be on file in the office of the City Clerk.
- (c) Rate Percentage. Every two years variable and non-variable costs percentages shall be set by resolution.
- (d) Rate Schedule. For purposes of the imposition of the user fee, the developed property in the City shall be divided into six (6) classes, which shall be called “customer classes.” The rate within each customer class shall be uniform. The rate schedule is as follows:

<u>Customer Class</u>	<u>Storm Water Charge</u>
Dwelling, Multi-family	0.4 ERU per dwelling unit
Dwelling, Single-family	1 ERU
Dwelling, Two Family	0.5 ERU per dwelling unit
Dwelling, Two Family Twin	1 ERU
Nonresidential	1 ERU for each 3000 square feet of impervious area
Undeveloped property	No charge

- (e) Minimum Charge. The minimum ERU calculations for any customer other than undeveloped properties shall be not less than the rate of 0.4 of one ERU.
- (f) New Construction. For all classifications other than single family residential, the construction of new or expanded building, driveways or other structures shall be subject to an increase in the number of ERU’s assigned to a lot or parcel. The City shall recalculate the number of ERU’s upon completion of new construction.
- (g) The City Engineer shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The City Engineer may require additional information as necessary to make the determination. The billing amount shall be updated by the superintendent of municipal services based on any additions or subtractions to the impervious area as approved through the building permit process.

[Ordinance 2008-12, Ord. 2014-02, Ord 2016-16, Ord 2019-01].

Sec. 126-254. Credits.

- A. The City may provide credits to offset the ERU charge as provided under the rules and guidelines of the Stormwater Credit Manual.
- B. To be entitled to consideration for a credit, the property owner shall file an application together with a review fee with the City that is supported by documentation and demonstrates the conditions of this section have been met. The application is subject to review and approval of the City as determined in the Stormwater Credit Manual.

[Ordinance 2008-12, Ord. 2014-02, Ord 2016-16].

Sec. 126-255. Billing and Penalties.

- (a) Stormwater Management Utility charges will be billed monthly with said charges to appear on the bill issued for municipal water and sanitary sewer service. Irrespective of the service periods for municipal water and sanitary sewer service, the first charges billed by the Stormwater Management Utility shall be for the month following the effective date of the ordinance.
- (b) The bills for Stormwater Management Utility charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this ordinance. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the City for the purpose of determining whether such charges have been paid for such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.
- (c) Stormwater Management Utility payments are due in 20 days. Payments not received shall be determined delinquent. The City may place a lien upon the property and collect delinquent charges under Wis. Stat 66.076(7) and 66.0809(3).
- (d) All delinquent charges shall be subject to a three (3%) percent penalty per month in addition to all other charges, including prior penalties or interest that exist when the delinquent charge is extended upon the tax roll.

[Ordinance 2008-12, Ord 2016-16].

Sec. 126-256. Method of Appeal.

- (a) The Stormwater Management Utility charge, a determination of ERU's or ERU credits may be appealed by filing a written appeal with the City Clerk's Office prior to the utility charge due date if not paid, or within thirty (30) days of payment. The appeal shall specify all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a timely challenge waives all right to later challenge that charge.
- (b) The City Engineer will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The City Engineer may act with or without a hearing, and will inform the customer in writing of his or her decision.
- (c) The customer has thirty (30) days from the decision to file a written appeal to the Municipal Services Committee.
- (d) If the Municipal Services Committee determines that a refund is due the customer, the refund will be applied as a credit on the customer's next monthly stormwater billing if the

refund will not exceed the customer's next monthly stormwater billing, or will be refunded at the discretion of the City Administrator.

[Ordinance 2008-12, Ord. 2014-02, Ord 2016-16].

ARTICLE V. Sanitary Sewer User and User Charge System.

Division 1. General Provisions

Sec. 126-270. Chapter Reference

Chapters 160, 281, and 283 of the Wisconsin Statutes and the Natural Resources Chapters of the Wisconsin Administrative Code, as may be amended from time to time, relating to the Wisconsin Pollution Elimination System are hereby adopted by reference and incorporated into this Article V.

[Ord. 2009-08].

Sec. 126-271. Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in this Article V shall have the meanings hereinafter designated:

AMMONIA NITROGEN (NH₃-N) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄⁺. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

APPROVING AUTHORITY shall mean the City of Evansville and any board, commission, or committee designated by it to administer and enforce the terms of this Article V.

BIOCHEMICAL OXYGEN DEMAND (BOD₅) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.67 meters) outside the inner face of the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection. The property owner shall have the responsibility for maintaining the building sewer, including but not limited to, cleaning or

clearing the building sewer by rodding or flushing. "Building Sewer" is also called "house connection, service lateral or private sewer".

Except as provided in this Article V, building sewers shall not be subject to the jurisdiction of the City of Evansville and the City shall not be responsible for the construction and/or maintenance of such sewers.

CHLORINE REQUIREMENT shall mean the amount of chlorine, in milligrams per liter, which must be added to wastewater to produce a specified residual chlorine content in accordance with procedures set forth in the latest edition of "Standard Methods".

CITY shall mean the City of Evansville, Rock County, State of Wisconsin.

COMBINED SEWER shall mean any sewer intended to serve as a sanitary sewer and a storm sewer.

COMMERCIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic wastewater. This definition shall also include multi-family residences having three or more units served by a single water meter.

COMPATIBLE POLLUTANT shall mean biochemical oxygen demand, suspended solids, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit for the publicly owned treatment works receiving the pollutants if such works was designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

COMPOSITE SAMPLE (24 hours) shall mean the combination of individual samples taken at intervals of not more than one hour.

DWELLING UNIT shall mean a structure, or that part of a structure, which is used for intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

FIXED CHARGE shall mean the portion of the wastewater service charge based upon the number of dwelling units, the number of customer's meters/connections to the wastewater treatment system and the size of the customer's water meters serving the user. Fixed charges shall recover the cost of debt retirement and associated reserves and depreciation associated with the construction, erection, modification or rehabilitation of the wastewater treatment facility and collection system for customer billing and treatment costs relating to infiltration and inflow.

FLOATABLE OIL shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be

considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

FLOW PROPORTIONAL SAMPLE shall mean a sample taken that is proportional to the volume of flow during the sampling period.

GARBAGE shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products and produce.

GREASE shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials as analyzed in accordance with procedures set forth in "Standard Methods".

GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

INCOMPATIBLE POLLUTANT shall mean any pollutant which is not a compatible pollutant which will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

INDUSTRIAL USER shall mean any user who discharges to the City's wastewater collection system liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments or from the development of any natural resource. Industrial user also includes any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry or finishing.

INDUSTRIAL WASTE shall mean any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.

INFILTRATION shall mean water unintentionally entering sanitary sewers, building drains, and building sewers from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

INFLOW shall mean the water discharged into the sanitary sewer, building drains, and building sewers from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

INFILTRATION/INFLOW shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

INTERCEPTOR SEWER shall mean a sewer whose primary purpose is to convey wastewater from a collection system or systems to a wastewater treatment facility. Size of the sewer is not a factor.

INTERFERENCE shall mean the inhibition or disruption of the City's wastewater collection system, treatment processes or operations which causes or significantly contributes to a violation or to an increase in the magnitude or duration of a violation of any requirement of its WPDES permit, including the impairment of the use or disposal of sludge.

MILLIGRAMS PER LITER shall be a weight-to-weight ratio; the milligrams per liter value (mg/l) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

NON CONTACT COOLING WATER shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

NORMAL DOMESTIC STRENGTH WASTEWATER shall mean sanitary wastewater resulting from the range of normal domestic activities, in which BOD₅, SS, total Kjeldahl nitrogen or phosphorus concentrations do not exceed normal concentrations of:

- 1) A five day, 20°C, BOD₅ concentration of not more than 225 mg/L.
- 2) A suspended solids concentration of not more than 175 mg/L.
- 3) A total Kjeldahl nitrogen concentration of not more than 42 mg/L.
- 4) A phosphorus concentration of not more than 5 mg/L.

OPERATION, MAINTENANCE AND REPLACEMENT (OM&R) COSTS shall mean all costs associated with the operation and maintenance of the wastewater treatment facility and wastewater collection system, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the wastewater treatment and collection systems.

OPERATOR shall mean the Superintendent of Municipal Services or his or her duly authorized representative.

ORGANIC NITROGEN shall mean that portion of nitrogen present in organic compounds which includes various forms of proteins and their degradation products of amino acids and polypeptides. Oxidation of organic nitrogen frees the available nitrogen to ammonia nitrogen. Quantitative determination of organic nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

PARTS PER MILLION shall mean a weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

PERSON shall mean any and all persons including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PHOSPHORUS (P) shall mean total phosphorus in wastewater, which may be present in any of three principle forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of discharging such pollutants to the City's wastewater collection system.

PRETREATMENT STANDARD shall mean any regulation which applies to industrial users and which contains pollutant discharge limits promulgated by the WDNR or established by the agency. This term includes both prohibited discharge standards set forth or established under Chapter NR 211 and categorical pretreatment standards set forth in s. NR 211.11, Wisconsin Administrative Code, as may be amended from time to time.

PRIVATE SEWER shall mean any sewer outside of a public right-of-way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City of Evansville and the City shall not be responsible for the construction and/or maintenance of such sewer.

PROHIBITED DISCHARGE STANDARD shall mean any standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the City's wastewater collection system by industrial users regardless of industrial category.

PUBLIC AUTHORITY shall mean any user whose premises are used for the conduct of the legislative, judicial, administrative, or regulatory activities of federal, state, local, or international units of government; government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments. It is assumed that Public Authority users have normal domestic strength wastewater unless sampling data or other information demonstrates that greater than normal domestic strength wastewater is discharged.

PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the City of Evansville. It shall also include sewers within or outside the City of Evansville boundaries that serve one or more persons and ultimately discharge into the City of Evansville wastewater

treatment system, even though sewers may not have been constructed with City of Evansville funds. Public sewer shall not include private sewers or building sewers.

REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the service life of the treatment facility and collection system to maintain their design capacity and performance for which the systems were designed and constructed. Operation and maintenance costs include replacement costs.

REPLACEMENT FUND shall be a separate account in which an annual budgeted amount shall be accumulated for purposes of defraying replacement costs as they arise. The replacement fund shall be used exclusively to defray replacement costs during the useful life of the wastewater treatment facility. At the end of such useful life, or at the time of any significant expansion or upgrade of the wastewater facilities, the fund may be used for any proper purpose related to providing wastewater treatment service pursuant to Section 66.076, Wis. Stats., as may be amended from time to time.

RESIDENTIAL USER shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as Commercial User, defined above.

SANITARY SEWAGE shall mean a combination of water carried from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

SANITARY SEWER shall mean a sewer that carries sanitary and industrial water-carried wastes from residents, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.

SANITARY SEWER SYSTEM HOOK-UP FEE shall mean a fee payable to the City before connection is made to the City's wastewater treatment system.

SEGREGATED DOMESTIC WASTES shall mean wastes from non-residential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade, and/or process discharge wastes.

SERVICE LIFE shall mean the expected life of individual pieces of equipment. In many instances, the service life of a piece of equipment will be shorter than the useful life of the overall treatment system.

SEWAGE shall mean the spent water of a community. The preferred term is "Wastewater."

SEWAGE SYSTEM shall mean the composite network of underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service lateral).

SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEWER LATERAL shall mean the portion of system located between the building and the sanitary sewer.

SEWER USER CHARGE shall mean a charge levied on users of the wastewater treatment facility for capital-related expenses, as well as operation and maintenance costs of said facilities.

SIGNIFICANT CONTRIBUTING USER shall mean an industrial or commercial user of the wastewater collection system which:

- 1) Has a waste discharge flow of 25,000 gallons or more per average workday; or
- 2) Has a waste discharge flow greater than 5 percent of the flow carried by the wastewater collection system; or
- 3) Has a waste discharge in one or more parameters (flow, BOD5, SS, TKN, P), five percent (5%) of the design value for that particular parameter, on such average or peak basis as the City deems appropriate; or
- 4) Has in its waste, a toxic pollutant in toxic amounts as defined in Wisconsin Administrative Code Chapter NR 215, as may be amended from time to time; or
- 5) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater collection system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

SLUDGE shall mean the accumulated solids generated during the biological treatment, coagulation or sedimentation of water or wastewater.

SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Wastewater, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

STORM SEWER shall mean a sewer which carries storm waters and surface drainage but which excludes wastewater.

STORM WATER shall mean any flow occurring during or after any form of natural precipitation and resulting therefrom. Storm water does not include industrial and domestic wastewater.

STORM WATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

SURCHARGE. Any user of the wastewater treatment system whose discharge exceeds in one or more parameters (flow, BOD5, SS, TKN, P) the concentration of normal domestic wastewater for that parameter shall be subject to a surcharge. The amount of such surcharges shall reflect the costs incurred by the City in removing the high strength BOD5, suspended solids, TKN or P from the wastewater.

SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as nonfilterable residue.

TOTAL KJELDAHL NITROGEN (TKN) shall mean the sum total of ammonia nitrogen and organic nitrogen. Quantitative determination of total Kjeldahl nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

TOXIC DISCHARGES shall mean discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will on the basis of information available cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

TOXIC SUBSTANCE shall mean any substance whether gaseous, liquid or solid which, when discharged to the system in sufficient quantities, interferes with any wastewater treatment process, or constitutes a hazard to human beings or animals, or inhibits aquatic life in the receiving stream of the effluent from the treatment facility.

UNMETERED USER shall mean a user who does not have a meter, installed and maintained by the City of Evansville on their public or private water supply.

UNPOLLUTED WATER shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE shall mean the expected life of the treatment facility if individual pieces of equipment are replaced as necessary.

USER shall mean any person(s) who discharges, causes or permits the discharge of wastewater into the wastewater collection system.

USER CHARGE shall mean a sewer service charge levied on users of the wastewater collection system and wastewater treatment facility for capital-related expenses as well as operation and maintenance costs for said facilities.

USER CHARGE SYSTEM shall mean the methodology for collecting operation, maintenance and replacement (OM&R) and capital revenues equitably from each user of the wastewater treatment system.

USER CLASSES shall mean categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this Article V, there shall be four user classes: residential, commercial, industrial, and public authority.

VARIABLE CHARGE shall mean the portion of the wastewater service charge based on the volume and strength of wastewater discharged to the wastewater treatment system. The variable charge shall include the charge for normal strength wastewater and a surcharge if any of the parameters in the discharge exceed those of normal strength wastewater. Variable charges shall recover the operation, maintenance and replacement costs except customer billing and treatment costs relating to infiltration and inflow, which are recovered in the fixed charge.

VOLUME CHARGE shall mean a user charge based upon the volume of normal strength wastewater to be transported.

WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may mean the combination of the liquid and water-carried industrial or domestic wastes from dwellings, residences, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater collection system.

WASTEWATER TREATMENT FACILITY shall mean the wastewater treatment system, exclusive of interceptor sewers and wastewater collection systems. All wastewater treatment is provided by the City of Evansville wastewater treatment facility and all references to wastewater treatment facilities refer to those facilities owned and operated by the City of Evansville.

WASTEWATER TREATMENT SYSTEM shall mean an arrangement of any devices, facilities, structures, equipment, or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of liquid industrial and domestic wastewater and sludge or necessary to recycle or reuse water, including interceptor sewers, outfall sewers, wastewater collection system, individual systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal or industrial wastes.

WATERCOURSE shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

WDNR shall mean the Wisconsin Department of Natural Resources.

WPDES PERMIT shall mean the Wisconsin Pollutant Discharge Elimination System Permit. The Wisconsin Department of Natural Resources has the authority under Chapters 283 and 160, Wisconsin Statutes, as may be amended from time to time, to issue, reissue, modify, suspend or revoke WPDES permits. General provisions are stated in Chapter NR 205 of the Wisconsin Administrative Code, as may be amended from time to time.

[Ord. 2009-08, Ord. 2014-02].

Sec. 126-272. City of Evansville.

The management, operation, and control of the Sewer Utility of the City of Evansville is vested in the Municipal Services Committee of said City of Evansville; all records, minutes, written procedures thereof and financial records shall be kept by the City Clerk of the City of Evansville.

[Ord. 2009-08, Ord. 2014-02].

Sec. 126-273. Sewer Utility of the City of Evansville.

The City of Evansville hereby establishes a Sewer Utility. The Sewer Utility shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds within the City boundaries, and generally, to do all such work as may be found necessary or convenient in the management of the wastewater collection system. The City of Evansville, its officers, agents, and employees, are empowered to enter upon any land for the purpose of inspection or supervision in the performance of their duties under this Article V, without liability therefore; and the City shall have power to purchase and acquire all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or addition thereto.

[Ord. 2009-08].

Sec. 126-274. Condemnation of Real Estate.

Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the City be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the City shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, as may be amended from time to time,, if federal funds are used.

[Ord. 2009-08].

Sec. 126-275. Title to Real Estate and Personal Property.

All property, real, personal, and mixed, acquired for the construction of the wastewater collection system, and all plans, specifications, diagrams, papers, books and records connected therewith said wastewater collection system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said City.

[Ord. 2009-08].

Sec. 126-276. User Rules and Regulations.

The user rules, regulations, and user charges are a part of the contract between the sewer utility and every user. Every person who connects to the wastewater treatment system is deemed to have consented to be bound by such rules, regulations, and rates. In the event of violation of the rules or regulations, the sewer service to the violating user shall be shut off (even though two or more parties are receiving service through the same connection). Sewer service shall not be re-established until all outstanding bills, and shut off and reconnection charges are paid in full, and until such other terms and conditions as may be established by the City are met.

In addition to all other requirements, the City shall be satisfied that the offender will not continue in violation of the rules and regulations before authorizing reconnection of the offender's services. The City may change the rules, regulations, and sewer rates from time to time as it deems advisable, and may make special rates and contracts in all proper cases.

[Ord. 2009-08].

Sec. 126-277. Operator of the Wastewater Treatment Facility.

The operator of the wastewater treatment facility shall have the following duties:

- 1) Be responsible for the function of all phases of the wastewater treatment system for efficient and economical purposes.
- 2) Keep a complete record showing the costs of materials and labor used for each phase of the facility.
- 3) Make all necessary chemical analyses at the wastewater treatment plant and fill out and complete all monthly reports to the State.
- 4) Order necessary materials and repair parts used in the wastewater collection and treatment facility.
- 5) Keep informed on the latest methods and practices being used in the wastewater treatment facility and put the most economical methods thereof into practical use.

The operator of the wastewater collection and treatment facility shall keep a daily record of all transactions of their office and file a monthly and yearly report covering the same with the City. The yearly report shall be filed on or before February 1 and shall contain such recommendations relating to the operation of the wastewater collection and treatment facility and the Ordinances

pertaining thereof as he shall deem advisable. The operator shall possess an operator's certificate in accordance with NR 114, as may be amended from time to time.

[Ord. 2009-08].

Division II. Use of the Public Sewers.

Sec. 126-280. Sanitary Sewers.

No person(s) shall discharge or cause to be discharged any unpolluted waters as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the City as part of a Wastewater Discharge Permit.

[Ord. 2009-08].

Sec. 126-281. User Connections.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Evansville and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Evansville is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this Article V within three (3) months after the date of official written notice from the City to do so. The City shall be responsible for properly notifying the owner(s).

If any person fails to comply after the expiration of the time provided by the notice, the City shall cause connection to be made. The expense thereof shall be assessed as a special tax against the property at an interest rate of 5 percent per year from the completion of work.

The sewer user charges contained in this user charge system shall take effect as of the day a connection to the sewer is made.

[Ord. 2009-08].

Sec. 126-282. Storm Sewers.

Storm water other than that exempted under Section 126-280 and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

[Ord. 2009-08].

Sec. 126-283. General Discharge Prohibitions.

Except as hereinafter provided, no user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater treatment system or to any public sewer:

- (1) Any gasoline, benzene, naphthalene, fuel oil, other flammable or explosive liquid, solid or gas shall be prohibited from the wastewater treatment system; or
- (2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system; or
- (3) Any wastewater containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other pollutants to injure or interfere with any wastewater treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates a toxic effect or any hazard in or has an adverse effect on the waters receiving any discharge from the wastewater treatment system or to exceed the limitations set forth in state or federal categorical pretreatment standards; or
- (4) Solid or viscous substances which will or may cause obstruction to the flow in a sewer, require excessive cleaning or maintenance of the sewer, or otherwise interfere with the operation of the wastewater collection and treatment facilities. Examples of substances that may interfere with the proper operation of the wastewater facility are as follows, but not limited to; ashes, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; or
- (5) Any wastewater having a pH less than 5.5 and more than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater treatment system; or
- (6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other water or wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or create a condition deleterious to structures and treatment processes; or
- (7) Any wastewater with objectionable color (excessive discoloration) not removed in the treatment process, such as, but not limited to, dye wastes and vegetable wastes or tanning solutions; or
- (8) Any wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the

requirements or other agencies having jurisdiction over discharge to the receiving waters;
or

(9) Any wastewater which creates conditions at or near the wastewater treatment system which violate any statute or any rule, regulation or Ordinance of any public agency or state or federal regulatory body; or

(10) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment facility to have a temperature exceeding 104°F (40°C); or

(11) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein, any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD5, etc.), released in a discharge of such volume or strength as to interfere with the wastewater treatment system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations, quantities or flow of the user during normal operation; or

(12) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from consumption on the premises or when served by caterers. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the City and a permit shall be obtained prior to the installation of any such commercial garbage grinder unit; or

(13) Non-contact cooling water or unpolluted storm or groundwater; or

(14) Any wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, fats, wax, grease or product of mineral oil origin, whether emulsified or not containing substances which may solidify or become viscous and any wastewater containing oil and grease concentrations whether emulsified or not which will or may cause obstruction to the flow in the wastewater collection system or other interference with the operations of the wastewater treatment facility. This limitation will be specifically reviewed during evaluation of wastewater treatment processes and may be further limited by the City; or

(15) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would interfere with the wastewater disposal system; or

(16) Any wastewater containing odor-producing substances exceeding limits which may be established by the City; or

(17) Any wastewater having a BOD₅, suspended solids or TKN concentration of greater than normal domestic strength as defined in this Ordinance; or

(18) Any wastewater which exert or cause unusual BOD₅, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility; or

(19) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the Appropriate Authority having control over their use and which will or may cause damage or hazards to the wastewater treatment system or its personnel; or

(20) Unless more restrictive standards are promulgated by a State or Federal agency which has jurisdiction, no person shall discharge wastewater containing in excess of:

0.5 mg/l arsenic

4.0 mg/l barium

0.01 mg/l cadmium

0.06 mg/l chromium

1.0 mg/l iron

1.00 mg/l copper

0.05 mg/l cyanide

0.20 mg/l lead

0.002 mg/l mercury

2.0 mg/l nickel

0.004 mg/l selenium

0.01 mg/l silver

1.0 mg/l zinc

0.005 mg/l phenolic compounds which cannot be removed by the

City's wastewater treatment process; or

(21) Grease and oil separators and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquids containing floatable grease in excessive amounts, or any flammable fluids, sand, or other harmful ingredients; except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity as described in Section 126-301. All separators and interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

(22) In addition, industrial users may not discharge pollutants into the City's wastewater treatment system which pass through or interfere with the operation or performance of the system and thereby cause or significantly contribute to a violation of the City's WPDES permit.

(a) An industrial user significantly contributes to pass-through and the consequent permit violation whenever such user:

(1) Discharges a daily pollutant loading in excess of that allowed by contract with the City or by federal, state or local law; or

(2) Discharges wastewater which is substantially different in nature or constitutes from the user's average discharge; or

(3) Knows or has reason to know that its discharge alone or in conjunction with discharges from other sources, would result in a violation of the City's WPDES permit; or

(4) Knows or has reason to know that the City is, for any reason, violating the final effluent limitations of its WPDES permit and that the industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the violation.

(b) An industrial user significantly contributes to interference and the consequent permit violation whenever such user does any of the above, or knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a violation of the City's WPDES permit or would prevent municipal sludge use or disposal by the City's selected method of sludge disposal in accordance with chapters 281 and 283, Wisconsin Statutes and Chapter NR 204, as may be amended from time to time.

[Ord. 2009-08].

Sec. 126-284. Rights Reserved

The City reserves the right to establish more stringent limitations or requirements on discharges to the wastewater collection system if deemed necessary to comply with the objectives presented in Section 126-283.

No wastewater, regardless of character, shall be discharged to the wastewater treatment system in such a manner as to interfere with the designed operation of the collection systems or treatment facilities, or to cause the treatment system to exceed the limits presented by the WPDES permit.

If any wastewater that is proposed to be or is discharged to the collection system contains a substance or characteristics prohibited by this section or which would otherwise create a hazard to life or constitute a public nuisance, the City may, after giving notice to the user in writing:

- reject the wastewater;
- require flow equalization of the discharge flow rate;
- require pretreatment prior to discharge to the wastewater disposal system;
- require payment to cover the added cost of handling and treating the waste not already covered by service charges in this Article V; and/or
- take any other action necessary to ensure compliance with this Article V.

Where pretreatment or flow equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the user at his expense.

[Ord. 2009-08].

Sec. 126-285. Special Arrangements.

No statement contained in this Division II shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person provided that all rates and provisions set forth in this Article V are recognized and adhered to.

[Ord. 2009-08].

Sec. 126-286. New Connections.

New connections to the wastewater treatment system shall not be permitted if there is insufficient capacity in the system to adequately transport and/or treat, as required by the WPDES Permit, the additional wastewater anticipated to be received from such connections.

[Ord. 2009-08].

Sec. 126-287. Free Service.

No user shall receive free service or pay a user charge less than the user's proportional share of operation and maintenance costs.

[Ord. 2009-08].

Sec. 126-288. Outside Service.

All users within the sewer service area of the City shall be treated equally as to user charges regardless of their location with respect to the service boundaries.

[Ord. 2009-08].

Division III. Control of High Strength, Toxic or Industrial Wastes**Directed to Public Sewers.****Sec. 126-290. Submission of Basic Data.**

Within three (3) months after passage of this Article V, establishments discharging industrial wastes to a public sewer shall prepare and file with the City a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Chapter NR 101 of the Wisconsin Administrative Code, as may be amended from time to time.

Similarly, each person desiring to make a new connection to the public sewer for the purpose of discharging industrial wastes shall prepare and file with the City a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

[Ord. 2009-08].

Sec. 126-291. Extension of Time.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by Section 126-290, a request for extension of time may be presented for consideration to the City which, at its sole discretion, may either grant or deny.

[Ord. 2009-08].

Sec. 126-292. High Strength or Toxic Wastes.

If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which contain substances or possess characteristics in excess of normal domestic strength wastewater as defined above, or which in the judgment of the City:

- (1) May be acutely or chronically toxic to aquatic life and wild and domestic animals; or
- (2) May adversely affect humans and cause increased risk of cancer in humans; or
- (3) May impart undesirable tastes or odors to surface waters or aquatic organisms ingested by humans; or

- (4) May prevent present or prospective future use of surface waters for public and private water supplies; or
- (5) May prevent propagation of fish and aquatic life and wild and domestic animal life; or
- (6) May create severe limitations for current and future methods of sludge recycling/disposal; or
- (7) May have deleterious effects upon the wastewater treatment system, processes or equipment; or
- (8) May cause additional requirements or limitations to become part of the District's discharge permit;
- (9) Or may otherwise create a hazard to life, health or constitute a public nuisance.

Then the City may:

- (1) reject the wastes; and/or
- (2) require pretreatment to an acceptable limit for discharge to the public sewers; and/or
- (3) require control over the quantities and rate of discharge; and/or
- (4) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Divisions XI and XII.

The toxic pollutants subject to prohibition or regulation under this Division III shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements for Section 307(a) and associated regulations.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

[Ord. 2009-08].

Sec. 126-293. Control Manholes.

Each user discharging high strength, toxic or industrial wastes into a public sewer shall be required by the City to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of the waste, including domestic wastewater. The City shall have the authority to require the user to construct one or more control manholes as

to separate domestic wastewater and industrial wastewater and to require separate sampling of these wastewaters. Within three (3) months after written notification from the City, the selected users shall complete construction of the control manholes or access points.

Control manholes or access facilities shall be located and built in a manner acceptable to the City. If measuring devices are to be permanently installed, they shall be of a type acceptable to the City.

Control manholes, access facilities, and related equipment shall be installed by the user discharging the waste, at the user's expense and shall be maintained by the user so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the City prior to the beginning of construction.

Alternatively, the City may choose to install the control manholes, access facilities and related equipment at the establishment discharging the waste. Expenses incurred for this service, however, are the responsibility of the establishment discharging the waste.

[Ord. 2009-08].

Sec. 126-294. Measurement of Flow from High Strength or Toxic Waste Users.

The volume of flow used for computing the user charge shall be the metered water consumption of the person as shown in the records of meter readings maintained by the City except as follows:

Provision for deductions. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the City that more than 20 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the City and the person. Satisfactory evidence shall be evidence obtained by approved metering.

[Ord. 2009-08].

Sec. 126-295. Metering of High Strength, Toxic Waste or Industrial Wastes.

- (1) General. Users designated by the City with high levels of flow or with high strength discharge may be required to have monitoring facilities. City shall make a determination as to when metering of high levels of flow is needed as well as what frequency of sampling of high strength wastewater is needed. Metering and sampling devices shall be installed, owned and maintained by the user subject to the approval of the City. All installation, ownership and maintenance expenses shall be the responsibility of the user. Access to the sampling and metering location shall be granted to the City or its duly authorized representatives at all times. Within three (3) months after written notification from the City, the selected users shall complete the installation of metering and sampling devices.

Alternatively, the City may choose to install or maintain the metering and sampling devices at the establishment discharging the waste. All installation, ownership and maintenance expenses shall be the responsibility of the user.

(2) Metering. Devices for measuring the volume of wastewater discharged may be required by the City if the volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the user. A maintenance schedule must be accepted by the City. Following approval and installation, such meters may not be removed without the consent of the City.

(3) Maintenance. A maintenance schedule must be approved by the City. All maintenance and equipment repair shall be performed within a reasonable time as determined by the City. Failure to perform maintenance and to repair within a reasonable time shall be subject to the same forfeiture and procedural provisions as applied to violation under this Article V. Prior to completion of satisfactory repairs, and for any preceding period during which the City determines there existed a malfunction, error or bias in the metering and sampling, the volume and strength of the wastewater for that period discharged by the user shall be based on historical data and a reasonable engineering estimate of flow and strength, taking account of material known production variations, all as determined by the City in consultation with the user. If prolonged periods of breakdown are anticipated, approved interim measuring and sampling needs shall be provided, and used to determine the volume and strength of wastewater.

Following approval and installation of permanent or temporary metering or sampling equipment, such equipment shall not be removed without the consent of the City.

[Ord. 2009-08].

Sec. 126-296. High Strength, Toxic and Industrial Waste Sampling.

Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The inspection shall be made by the industrial user as often as may be deemed necessary by the City.

Sampling shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City. The use of flow proportional composite sampling is preferred.

Installation and operation and maintenance of the sampling facilities shall be the responsibility of the user discharging the waste and shall be subject to the approval of the City. Access to sampling locations shall be granted to the City or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

Expenses incurred for sampling the wastes, including the laboratory analytical tests, shall be the responsibility of the establishment discharging the wastes.

[Ord. 2009-08].

Sec. 126-297. Analyses.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article V shall be determined in accordance with the latest edition of "Standard Methods." Sampling methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.

Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the City. The City may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

[Ord. 2009-08].

Sec. 126-298. Pretreatment.

Where required, in the opinion of the City, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at their expense such preliminary treatment or processing facilities as may be determined required to render their wastes acceptable for admission to the public sewers.

[Ord. 2009-08].

Sec. 126-299. Submission of Information.

Plans, specifications, and any other pertinent information relating to proposed flow equalizations, pretreatment, or processing facilities shall be submitted for review of the City prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

[Ord. 2009-08].

Sec. 126-300. Grease and/or Sand Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. Discharged of grease, fats, oils or similar waste products of cooking or food shall use below-grade exterior grease interceptors in accordance with the Wisconsin Plumbing Administrative Code Chapters Comm. 81-87, as may be amended from time to time. If applicant can prove sufficient space is not available outdoors for an exterior grease interceptor, indoor traps may be installed, as approved by City. Interior traps shall meet Chapters Comm. 81-87, as may be amended from time to time.

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

[Ord. 2009-08].

Sec. 126-301. Industrial Permit Reports.

Each year all industrial users as identified by the City shall submit a WDNR Industrial Permit Report to the City. Forms for this report will be furnished by the City Clerk.

[Ord. 2009-08].

Sec. 126-302. Administration.

(1) The City may require that any person discharging or proposing to discharge wastewater to the wastewater treatment system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards or other information which relates to the generation of waste, including wastewater constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this Article V shall be prepared quarterly and submitted to the City.

In addition to discharge reports, the City may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports and compliance schedules.

(2) Wastewater Discharge Permits

(a) **Mandatory Permits.** All industrial users proposing to connect or to commence a new discharge to the wastewater treatment system shall obtain a Wastewater Discharge Permit before connecting to or discharging into the wastewater treatment system. All existing industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Clean Water Act connected to or discharging into the wastewater treatment system shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Article V.

(b) **Permit Application.** Users required to obtain a Wastewater Discharge Permit shall complete and file with the City an application in the form prescribed by the City, and accompanied by a fee as established in the Fee Schedule. In support of

the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics including but not limited to those governed by subsection 2(c) of this section as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures set forth in the current edition of Standard Methods for the Examination of Water and Waste Water;
- (4) Time and duration of discharge;
- (5) Average daily and peak hourly wastewater flow rates; including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer conditions and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the use to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment shall exceed 9 months in length and progress reports concerning each increment shall be submitted within 14 days following each increment date;
- (9) Each product produced by type, amount and rate of production;

(10) Type and amount of raw materials processed (average and maximum per day);

(11) Number of full and part time employees, and hours of work; and

(12) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(c) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Article V and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge of requirements for flow regulation and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities, such as mandatory sampling manholes pursuant to Chapters Comm. 81-87, as may be amended from time to time.

(5) Requirements for installation, operation, and maintenance of pretreatment facilities;

(6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

(7) Compliance schedules;

(8) Requirements for submission of technical reports or discharge reports;

(9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, but in no case less than three years, and affording City access thereto;

(10) Requirements for notification to and acceptance by the City of any new introduction of wastewater constituents or of any substantial change

in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(11) Requirements for notification of slug or accidental discharges as defined in Section 126-271, and reporting of permit violations;

(12) Requirements for disposal of sludges, floats, skimmings, etc.; and/or

(13) Other conditions as deemed appropriate by the City to ensure compliance with this Article V.

(d) Permit Duration. Permits shall be issued for five years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in subsection C are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit Modifications. A user, subject to the promulgation of a national categorical pretreatment standard, shall apply for a modification of its Wastewater Discharge Permit to comply with the promulgation of a national categorical pretreatment standard within the time frame prescribed by such standard. If the information previously submitted in an application for a Wastewater Discharge Permit is still current and adequate for such standard, then only a letter from the user certifying such is required.

(f) Permit Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Permit Revocation: The City has the authority to revoke a wastewater discharge permit following the procedures set forth in Section 126-384.

(3) Monitoring Facilities. Monitoring facilities to allow inspection, sampling, and flow measurement of the building, sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or public vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City, unless a time extension is otherwise granted by the City.

(4) Inspection and Sampling. The City shall inspect the facilities of any user or ascertain whether the purpose of this Article V is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, WDNR and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the City, WDNR and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(5) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Article V and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provide, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and must be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article V. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available by the City to officials of the EPA or WDNR upon request. Any user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater treatment system, shall submit to the City during the months of June and December, unless required more frequently in the pretreatment standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of

all daily flows which during the reporting period exceeded the average daily flow. The City may agree to alter the months during which the above reports are to be submitted.

(6) Final Compliance Date Reporting Requirements. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of the commencement of a new discharge to the wastewater treatment system, any user subject to pretreatment standards and requirements shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user, and certified to by a qualified professional.

(7) Confidential Information. Information and data obtained from user's applications, permits, monitoring programs and inspections shall be subject to Wisconsin Public Records Law, sections 19.31 through 19.39 of Wisconsin Statutes, as may be amended from time to time.

(8) Accurate Information. No user shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article V or Wastewater Discharge Permit.

(9) Sludges Generated. Sludges, floats, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater treatment system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations. Sludge generated by the City's wastewater treatment system shall be managed according to Ch. NR 204 of the Wisconsin Administrative Code, as may be amended from time to time, which is hereby incorporated by reference.

[Ord. 2009-08].

Division IV. Right of Entry, Safety, and Identification.

Sec. 126-310. Right of Entry.

The City Engineer, operator of the wastewater treatment facility, plumbing inspector or other duly authorized representative of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this Article V and s. 196.171 Wisconsin Statutes, as may be amended from time to time. The City Engineer, operator of the wastewater treatment facility, plumbing inspector, or other duly authorized representative of the City shall have no authority to

inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the wastewater treatment system or wastewater treatment facility.

[Ord. 2009-08].

Sec. 126-311. Safety.

While performing the necessary work on private premises referred to in Section 126-310, the duly authorized representatives shall observe all safety rules applicable to the premises established by the Owner or occupant and the City shall indemnify the Owner against loss or damage to its property by City representatives and against the liability claims and demands for personal injury or property damage asserted against the Owner and growing out of gauging and sampling operation of the City representatives, and indemnify the Owner against loss, or damage to its property by City representatives, except as such may be caused by negligence or failure of the owner to maintain safe conditions. The City shall report to the owner or occupant any unsafe conditions.

[Ord. 2009-08].

Sec. 126-312. Identification, Right to Enter Easements.

The City Engineer, operator and other duly authorized representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment system lying within said easement, all subject to the terms, if any, of the agreement.

[Ord. 2009-08].

Division V. Sewer Construction (Building Sewers).

Sec. 126-320. Work Authorized.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a plumbing permit and street opening permit pursuant to Section 106-132 from the City.

No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving a license from the State of Wisconsin, except in cases where state law permits building owners to conduct their own work without being licensed.

The permittee shall notify the City Building/Plumbing Inspector at least 48 hours before beginning any excavations.

[Ord. 2009-08].

Sec. 126-321. Cost of Sewer Connection.

- (a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The Owner shall indemnify the City from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer. The City shall approve the contractor and construction plans for the building sewer. Upon completion of the building sewer, the owner shall be responsible for all maintenance costs.
- (b) In addition to the costs indicated in subsection (a) above, the Owner shall be required to submit a sanitary sewer system hook-up fee designed to offset increased operation costs and loss of capacity, which result as new connections are added to the wastewater treatment system, and avoid adjusting user charge rates on a regular basis or during those times when rapid short-term growth occurs. The Owner shall pay this fee, as set forth in Appendix A, at the time a permit for building sewer is requested. The fee shall be established by the City from time to time by resolution.

[Ord. 2009-08, Ord. 2011-02].

Sec. 126-322. Use of Existing Building Sewers.

Existing building sewers may be used in connection with construction of new buildings only when they are found on examination and test by the City to meet all requirements for this Article V. Cost for testing of existing building sewer to be borne by party wanting to reuse same.

[Ord. 2009-08].

Sec. 126-323. Materials and Methods of Construction.

The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State of Wisconsin standard specification for water and sewer construction, the Wisconsin plumbing code, the Wisconsin Administrative Code, the State Department of Natural Resources or other applicable rules and regulations of the City, as may be amended from time to time. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and W.P.C.F. Manual of Practice No. 9, as may be amended from time to time, shall apply.

[Ord. 2009-08].

Sec. 126-324. Building Sewer Grade.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

[Ord. 2009-08].

Sec. 126-325. Storm and Ground Water Drains.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which are connected directly or indirectly to a public sanitary sewer.

Any person in violation of this section shall disconnect all downspouts, groundwater drains, etc., no later than sixty (60) days from the date of an official written notice by the City. If any person fails to comply after the expiration of the time provided, the City may cause disconnection to be made at the property owner's expense.

[Ord. 2009-08].

Sec. 126-326. Conformance to Plumbing Codes.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and the W.P.C.F. Manual of Practice No. 9, as may be amended from time to time. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

[Ord. 2009-08].

Sec. 126-327. Plumbers.

No contractor, plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the collection system without first receiving a license from the State of Wisconsin, except in cases where state law permits building owners to conduct their own work without being licensed.

[Ord. 2009-08].

Sec. 126-328. Inspection of Connection.

The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City. The cost of one inspection is included in the plumbing permit fee. Additional inspections, if required, shall be at the expense of the applicant.

[Ord. 2009-08].

Sec. 126-329. Barricades and Restoration.

All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

[Ord. 2009-08].

Sec. 126-330. Installation of Building Sewers.

All building sewers on private property will be installed and inspected in accordance with Wisconsin Administrative Code, Chapter Comm. 81-87, as may be amended from time to time.

[Ord. 2009-08].

Sec. 126-331. Permit.

An applicant for a plumbing permit and street opening permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the sanitary sewer. The Building/Plumbing Inspector shall supervise the connection process.

[Ord. 2009-08].

Sec. 126-332. Excavations.

In making excavations in streets or highways for laying building sewers or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

In refilling the opening, after the building sewers are laid, the earth must be laid in layers of not more than 12 inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the City.

No opening of the streets for tapping the pipes will be permitted when the ground is frozen, except in emergencies.

[Ord. 2009-08].

Sec. 126-333. Tapping of Mains.

No person, except those having special permission from the City, or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said City.

Pipes should always be tapped on the top, and not within 15 inches (38 cm) of the joint, or within 36 inches (90 cm) of another lateral connection.

All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered on the upper quadrant of the main sewer pipe and securely strapped on with corrosion resistant straps or rods, or with solvent welded joints in the case of plastic pipe.

[Ord. 2009-08].

Division VI. Connections to the Wastewater Treatment System.

Sec. 126-340. Mandatory Hookup.

The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within three months of notice in writing from the City. Upon failure to do so the City may cause such connection to be made and bill the property owner for such costs, including any sanitary sewer system hook-up fee established under Section 126-321(b). If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 66.0703 Wisconsin Statutes, as may be amended from time to time, provided, however, that the owner may within thirty (30) days after the completion of the work file a written request with the City stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed three (3) equal installments, and that the amount shall be so collected with interest at the rate of 5% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 66.0703 Wisconsin Statutes, as may be amended from time to time.

In lieu of the above, the City at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the average residential charge for sewer service payable monthly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 66.0703 Wisconsin Statutes, as may be amended from time to time.

The failure to connect to the sewer system is contrary to the minimum health standards of said City and fails to assure preservation of public health, comfort, and safety of said City.

[Ord. 2009-08, Ord. 2011-02].

Sec. 126-341. Maintenance of Services.

The City shall maintain sewer service within the limits of the City for the street mains, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer shall be installed for each building.

[Ord. 2009-08].

Sec. 126-342. Application to Connect Proposed New Wastewater System.

Any person located within the corporate limits of the City desiring to connect a proposed new wastewater system to the wastewater treatment system shall make a written application to the City for permission to make such connection or use. The application shall include a statement of the location or locations at which it is desired to connect, and a statement of the character of the wastewater to be transmitted.

The City shall design or review and approve all proposed wastewater systems. All costs and expenses incident to the design and bidding including engineering, permits and other fees associated with the connection or hookup to the wastewater treatment system shall be borne by the person requesting the proposed new wastewater system. Prior to the design of a sewer extension, the person shall secure and furnish proof of an escrow account for the estimated amount of the design costs, the amount to be determined by the City. The account shall be so arranged and an escrow agreement executed between the person, the bank, the City to allow the latter to withdraw amounts from the account. The account shall be sufficient to cover payments to all parties under contract with the City for the design of the wastewater system. This money will not be refunded if the project does not proceed to construction.

[Ord. 2009-08].

Sec. 126-343. Alterations.

Alterations to the existing wastewater treatment system shall be treated as Proposed New Wastewater Systems subject to the requirements of Section 126-342. The City may modify this provision if the sewer connection is not directly connected to a City sewer and providing the person has previously presented and has had approved a general overall sewer plan. If such a modification is made, it will be done in writing and must be kept on file by the person to which it applies.

After sewer connections have been made in a building or upon any premises, no plumber shall make any alterations, extensions or attachments unless the party ordering such work shall exhibit the proper permit.

[Ord. 2009-08].

Sec. 126-344. Reserve Capacity.

Prior to permitting any connection or use of the wastewater treatment system, the City shall ascertain that all downstream sewers, interceptors, lift station, force mains, and treatment works have sufficient reserve capacity for volume, suspended solids and BOD5 to assure adequate collection and treatment of the additional wastewater contributed to the wastewater treatment system. The City reserves the right to refuse connection if the requirements for this section cannot be met.

[Ord. 2009-08].

Sec. 126-345. Inspections and Supervision During Construction.

During the construction of any wastewater system which the City has approved, the City may, from time to time, inspect the same to see that said work is being done in accordance with the approval plans and specifications. Failure to make such inspections shall not nullify the rights of the City to require reconstruction should non-adherence to approved plans be subsequently discovered. Every person in the construction of laterals or wastewater systems, within its jurisdiction, shall require that such construction be under the direction of a Wisconsin Registered Professional Engineer or Licensed Master Plumber, if plan approval was obtained under his license. The Engineer or Master Plumber shall keep accurate records of the location, depth, and length of the sewers as built, and of the location of the Y-branches or slants. As-built plans shall be presented to City within 60 days of completion or connection to existing sewer which ever occurs first. Cost of inspections shall be borne by property owner.

[Ord. 2009-08].

Sec. 126-346. Prohibited Connections.

The connection of combined sewers to the sanitary sewers is prohibited as is the connection of any proposed or existing storm sewers to the wastewater treatment system. Connection of catch basin or curb inlets to any sanitary sewer directly or indirectly connected to the wastewater treatment system is strictly prohibited.

[Ord. 2009-08].

Sec. 126-347. Physical Connection.

All proposed sewer connections shall be planned to be made at a manhole with the flow lines of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least 48 hours before connection is to be made, notice of such intent must be given to the City. When the actual connection is made, it must be done in the presence of a City inspector.

[Ord. 2009-08].

Sec. 126-348. Records.

Records of connections to the wastewater treatment system shall be kept by the municipality in which such connections are made and such records shall be available for inspection by the City.

[Ord. 2009-08].

Sec. 126-349. User Use Only.

No user shall allow other users, other building sewers or other building drains to connect to the wastewater treatment system through his building sewer and building drain.

[Ord. 2009-08].

Sec. 126-350. User to Permit Inspection.

Every user shall permit the City, or its duly authorized agent, at all reasonable hours of the day, to enter his premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and he shall at all times, frankly and without concealment, answer all questions put to him relative to its use.

[Ord. 2009-08].

Sec. 126-351. City Responsibility.

The City and its agents and employees shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any building sewers or building drains; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to shut off the building sewer at any time for the purpose of repairs, or any other necessary purpose, and permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the building sewer within the said City, the City shall, if practicable, give notice to each and every consumer affected within said City of the time when such service will be so shut off.

[Ord. 2009-08].

Sec. 126-352. User to Keep in Repair.

Every user shall keep his own building sewer and building drain in good repair and protected from frost, at his own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

[Ord. 2009-08].

Division VII. Septic Tank and Holding Tank Waste.**Sec. 126-360. Septic Tanks and Holding Tanks Prohibited.**

The maintenance and use of septic tanks, holding tanks or other private disposal system within the sewer service area of the City serviced by its wastewater treatment system are hereby declared to be a public nuisance and a health hazard. Upon abandonment of a septic tank or holding tank, the tank shall be filled with sand or gravel in a manner acceptable to the City.

[Ord. 2009-08].

Sec. 126-361. Septic Tank and Holding Tank Disposal.

No person in the business of gathering and disposing of septic tank or holding tank wastes shall transfer such material into any disposal area or manhole located within the City of Evansville boundaries unless approval for disposal has been first obtained from the City. Written application for this approval shall be made to the City and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Approval shall be non-transferable except in case of replacement of the disposal unit for which

approval shall have been originally issued. The time and place of disposal will be designated by the City. The City may impose such conditions as it deems necessary on any approval granted. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.

Any commercial hauler of septic tank or holding tank wastes shall carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000) and to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. A certificate certifying such insurance to be in full force and effect shall be furnished to the City.

Any wastes discharged into the treatment system shall be of domestic origin and will comply with the provisions of any and all applicable Ordinances of the City. A user shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids or other deleterious substances into any manhole nor allow any earth, sand or solid material to pass into any part of the wastewater system.

Any person or party disposing of septic tank or holding tank wastes shall indemnify and hold harmless the City from any and all liability and claims for damage arising out of or resulting from work and labor performed.

[Ord. 2009-08].

Division VIII. Damage to or Tampering With Wastewater Treatment System.

Sec. 126-370. Willful, Negligent or Malicious Damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.

[Ord. 2009-08].

Sec. 126-371. Liability of User for Losses.

Any person who violates any provision of this Article V shall become liable to the City or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the City or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Section 126-380 and without consideration for any penalties which may be imposed for a violation of this Article V.

[Ord. 2009-08].

Sec. 126-372. Damaging Sewers Prohibited.

No person shall alter, disturb or uncover any connection with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the City.

No person shall willfully or maliciously obstruct, damage, or tamper with any private drain or sewer, or in any structure, appurtenance or equipment which is part of the wastewater treatment system.

[Ord. 2009-08].

Division IX. Violations and Penalties.

Sec. 126-380. Written Notice of Violation.

Any user alleged to have violated an order of the City or who has failed to comply with any provisions of this Article V and the orders, rules, regulations and permits issued hereunder shall be served by the City with a written notice stating the nature of the violation and/or ordering satisfactory correction of any still existing violation within a reasonable period of time as established by the City. Said written notice shall identify the violation, set forth the potential charges or penalties to be imposed, and provide notice of right to request a hearing pursuant to Division XIII herein.

[Ord. 2009-08, Ord. 2010-01].

Sec. 126-381. Civil Penalties.

Any user who is found to have violated an order of the City or who has failed to comply with any provisions of this Article V and the orders, rules, regulations and permits issued hereunder, including the failure by an industrial user to immediately notify the City of an accidental slug or discharge in violation of a Wastewater Discharge Permit, shall be fined not less than Fifty Dollars (\$50) nor more than Two Thousand Five Hundred (\$2,500) for each offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court recorder's fees and other expenses of litigation by an appropriate action against the person found to have violated this Article V or the order, rules, regulations and permits issued hereunder. This section shall not apply to the untimely payment or failure to pay a bill pursuant to Division X.

[Ord. 2009-08, Ord. 2010-01].

Sec. 126-382. Continued Violations.

Each violation and each day a violation continues shall constitute a separate offense. This, however, shall not bar the City from enforcing the mandatory hook-up provision in Section 126-340, taking appropriate action to prevent or remove a violation, or any other right the City may have.

[Ord. 2009-08, Ord. 2010-01].

Sec. 126-383. Costs of Damage.

Any user violating any of the provisions of this Article V or who has a discharge which causes a deposit, obstruction, damage or other impairment to the City's wastewater treatment system shall become liable to the City for any expense, loss or damage caused by the violation or discharge. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Article V.

Any user discharging toxic pollutants shall pay for any increased operation, maintenance, and replacement costs caused by said discharge, in addition to any other charge or penalties provided herein.

[Ord. 2009-08].

Sec. 126-384. Revocation of Permit.

The City may shut off service to and/or revoke the Wastewater Discharge Permit of any user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its Wastewater Discharge Permit, this Article V, or applicable state and federal regulations.

[Ord. 2009-08].

Division X. Billing Practice.**Sec. 126-390. Billing Period.**

All user service charges for all customers shall be billed on a monthly basis, including those using private water well supplies. All user service charges for significant contributors and for those customers whose water meter is read on a monthly basis shall be billed on a monthly basis.

[Ord. 2009-08].

Sec. 126-391. Payment.

User charges shall be payable within 20 days of the date of the bill. Customers who select to pay user service charges for the entire year shall submit payment by October 1st of each year.

[Ord. 2009-08].

Sec. 126-392. Penalties.

Charges, fines, forfeitures, fees and penalties levied in accordance with this Article V shall be a debt due to the City. If the debt is not paid within 20 days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 3 percent of the amount of the monthly bill and of the unpaid balance applied monthly. Charges, fines, forfeitures, fees and penalties shall constitute a lien upon the property services and be recorded on the City's tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges, fines, forfeitures, fees and penalties.

Charges, fines, forfeitures, fees and penalties shall constitute a lien under the property services, and be recorded on the tax roll of the City of Evansville. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these liens.

[Ord. 2009-08].

Sec. 126-393. Notification.

Each user shall be notified annually, in conjunction with a regular bill, of the rate schedule attributable to wastewater treatment services including an explanation of the charges.

[Ord. 2009-08].

Sec. 126-394. Billing.

The property owner is held responsible for all bills on premises that he owns. All bills and notices of any nature, relative to the sewer use, will be addressed to the owner and/or occupant and delivered to the addressee by first class mail.

[Ord. 2009-08].

Sec. 126-395. Failure to Receive Bill No Penalty Exemption.

Every reasonable care will be exercised in the proper delivery of bills. Failure to receive a bill, however, shall not relieve any person of the responsibility for payment of user charges within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

[Ord. 2009-08].

Sec. 126-396. Delinquent Bills.

The City shall furnish the City Clerk with a list of all such lots or parcels of real estate, and the notice shall be given by the City. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such City; that unless the same is paid by September 1, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate.

Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.

[Ord. 2009-08].

Sec. 126-397. Disposition of Revenue.

The amounts received from collection of the charges shall be credited to a wastewater account which shows all receipts and expenditures of the sewer utility. When appropriated by the City, the credits to the account shall be available for payment for operations, maintenance, repairs and depreciation of the wastewater system. Any surplus in the account shall be available for payment of principal and interest of bonds or notes issued and outstanding or which may be issued to provide funds for the wastewater system or parts thereof, and all or part of the expenses for additions, improvements and other necessary disbursements or indebtedness.

[Ord. 2009-08].

Division XI. User Charge System.

Sec. 126-400. User Charges.

There is hereby levied and assessed upon each lot, parcel of land, building, premises or unit having a connection with the wastewater treatment works, a user charge, based upon the quantity of wastewater discharged, pursuant to Section 66.076, Wis. Stats., as amended from time to time. Such user charges shall be billed to the person, firm, corporation or other entity owning, using or occupying the property served. The user charges shall consist of a fixed charge and a variable charge. The user charge is applicable and will be billed regardless of occupancy status.

[Ord. 2009-08].

Sec. 126-401. Fixed Charge.

The fixed charge shall be a minimum charge for all users based upon the number of connections to the wastewater treatment works. This charge includes billing and administration costs, inflow/infiltration treatment costs, collection system depreciation, insurance costs and collection system and wastewater treatment facility debt costs. The fixed charge amount shall be determined from time to time by resolution by the City.

[Ord. 2009-08].

Sec. 126-402. Variable Charge.

The variable charge is based on the volume and strength of wastewater discharged to the wastewater treatment system. The variable charge amount shall be determined from time to time by resolution by the City.

[Ord. 2009-08].

Sec. 126-403. Special Assessments.

Not included in the foregoing user service charges are the costs associated with providing local collecting facilities to users, which the City may levy by special assessment, in whole or in part, to the property benefited thereby.

[Ord. 2009-08].

Sec. 126-404. Unpolluted water rates.

The City may adjust sewer charges for unpolluted water entering into the sanitary sewer system or running straight to ground. The adjusted rates, requirements and eligible activities for unpolluted water shall be set by resolution.

(Ord. 2020-02)

Secs. 126-405 – 126-409 Reserved.

Division XII. Significant Contributors.

Sec. 126-410. General.

Significant contributors shall be those users of the wastewater treatment system whose discharges exceed, in one or more parameters (flow, BOD5, TSS, TKN), five percent (5%) of the design value for that particular parameter, on such average or peak basis as the City determines is appropriate.

(1) Significant contributors will be requested to advise the City of their best estimate of the level of usage of the wastewater treatment facility that they expect to utilize through the remaining useful life of the wastewater treatment facility. The City may allocate a portion of capacity in the wastewater treatment facility to specific significant contributors, particularly in the case of new construction, expansion or renovation of such facility. Significant contributors shall pay capital costs associated with such allocated capacity.

(2) Significant contributors will be encouraged to contract with the City as to the amount of such allocated capacity and as to the payment of associated capital costs. In exchange for a contractual commitment to pay such capital costs, the City may protect the contracting significant contributors from capital cost increases that might otherwise result from changes in the number of discharges over whom capital costs might be spread.

(3) Significant contributors who have provided projected usage levels to the City prior to a project of construction, expansion or renovation, shall, in the absence of contract provisions to the contrary, have their fixed charge computed on the basis of actual or

projected usage levels. The City shall in any such allocation process treat all significant contributors in a manner that is not unreasonable or unjustly discriminatory. The City may change the amount of allocated capacity from the projections provided by the significant contributors, provided any opportunity for such change is made available to all significant contributors.

(4) For the purpose of determining wastewater treatment facility debt service on a usage basis, the following cost breakdown is provided:

per 1000 gallons of flow

per pound of BOD5

per pound of SS

The calculation of the treatment plant debt charge on a usage basis shall be computed by the formula presented below:

$$C = F \times V + 0.00834 \times V \times [(\$0.09 \times (B-234)) + (\$0.08 \times (S-205)) + (\$0.29 \times (N-58))]$$

Where:

C = charge to significant users for wastewater treatment plant 40% debt service

F = base monthly fixed charge per 1,000 gallons

V = wastewater volume in 1,000 gallons

B = concentration of BOD5 from a user in mg/l

S = concentration of TSS from a user in mg/l

.00834 = conversion factor (mg/l to lbs)

.74800 = conversion factor (1000 gallons to 100 cubic feet)

(5) Total Kjeldahl nitrogen (TKN) monitoring is required by the City due to nitrogen limitations. The frequency of monitoring shall be determined by the City on a case-by-case basis.

(6) Significant contributors who connect to the wastewater treatment system after any specific construction, expansion or renovation project may only be allocated capacity in that project to the extent the City deems such capacity is available. In no event may capacity allocated to a significant contributor under a wastewater discharge permit with the City be changed in any way without compliance with the terms of the contract. Significant contributors who do not have a contractual commitment to pay specific

treatment plant debt service charges may have their allocated capacities and associated fixed charges reduced on a prospective basis if, in the judgment of the City, the re-allocated portion of the capacity should be made available to another user.

[Ord. 2009-08].

Division XIII. Appeals.

Sec. 126-420. Hearing Procedures.

Except in the case of untimely payment or non-payment of a bill pursuant to Division X, any user, permit applicant or permit holder who receives a written notice pursuant to Section 126-380, may, within ten (10) days of the date of the notice, file a request for a hearing. Said request shall set forth in detail the facts supporting the user's request for a hearing. If the person served with a written notice fails to request a hearing, the penalties set forth in the written notice shall be imposed.

The filing of a requested hearing shall stay any decision, action or determination, including cease and desist orders, except as necessary to protect the public health, welfare or safety on an emergency basis including, but not limited to, the temporary termination of service.

A request for hearing shall be held in prompt fashion and shall be heard by the City. After the City has heard the evidence, it may impose any fines, penalties, or other sanctions as authorized by Article V. Such may include a requirement that the violator pay the full costs of the proceedings including the City's technical, administrative and other costs in developing its proofs and may include reasonable attorney fees.

[Ord. 2009-08, Ord. 2010-01].